

REMARKS

It is stated in the Office Communication that pending claims 15-36 are directed to three (3) independent and patentably distinct inventions. Although the Restriction Requirement is traversed for the reasons set forth below, in order to be fully responsive to the Restriction Requirement, Applicant nevertheless elects the claims of Group I (claims 15-23), drawn to antibodies, classified in class 530, subclass 387.9.

Regarding the Restriction Requirement

The Office Action alleges that the above-identified application contains three inventions, and Applicants are required to elect one group of claims for examination. Although Applicants traverse the requirement for the reasons set forth below, the above election of Group I (claims 15-23) was made in order to be fully responsive to the Restriction Requirement.

According to the Office Action, Groups I and II are allegedly distinct because although related as product and process of use, the process as claimed can be practiced with a different product and the product as claimed can be used in a different process. MPEP §806.05(h). The Office Action also alleges that Groups I and II are unrelated to Group III because they allegedly have different chemical structures and functions/effects. That is, the anti-sense of Group III is allegedly unrelated to the product and process of Groups I and II.

Applicants submit that it would not be a serious burden on the Examiner to examine the claims of at least Groups I and II together (i.e. claims 15-31). Group II (claims 24-31) is drawn to a method of using the antibody as claimed in Group I (claims 15-23). That is, method claim 24 is dependent on claim 15, directed to a CTGF antibody. As such, it is submitted that a thorough search of the method claims would necessarily reveal art overlapping with the antibody (e.g. SEQ ID NO:4) of Group I. In short, Group II cannot be used with a different product or antibody as it is dependent on the claimed CTGF antibody of Group I. Accordingly, it is respectfully requested that the Examiner reconsider the restriction requirement with respect to the claims of Groups I and II and examine the claims together.

In re Application of:

Grotendorst and Neff

Application No.: 10/658,856

Filed: September 9, 2003

Page 3 of 3

PATENT


Atty Docket No.: FIBRO1130-3

It is submitted that, upon allowance of a generic claim (e.g. claim 15), Applicants should be entitled to consideration of claims to additional which are written in dependent form (e.g., claim 24) or otherwise include all the limitations of an allowed generic claim, pursuant to 37 CFR § 1.141. It is respectfully requested that the Examiner acknowledge Applicants' right under 37 CFR § 1.141.

Check number 583214 in the amount of \$225.00 is enclosed as payment for the two-month Petition for Extension of Time. No other fee is deemed necessary with the filing of this paper. However if any fees are due, the Commissioner is hereby authorized to charge any fees, or make any credits, to Deposit Account No. 07-1896 referencing the above-identified attorney docket number. A copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

Date: September 12, 2006



Lisa A. Haile, J.D., Ph.D.

Registration No.: 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

DLA PIPER US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer No.: 28213